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substantial portion of a forehead area of a user, said absorbent pad having a first end and a second end;

a first flange extension disposed at or adjacent to the first end of said pad and a second flange extension disposed at or adjacent to the second end of said pad; and

an adhesive member disposed on a substantial portion of said first side of said pad for attaching said flexible absorbent pad to a substantial portion of the forehead area including adjacent to where the forehead area meets the user's hairline.

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19. The protective covering of claim 18 wherein said first flange extension is monolithically formed with said pad and said second flange extension is monolithically formed with said pad.

20. The protective covering of claim 18 wherein a portion of said first flange extension having a second adhesive member disposed thereon and a portion of said second flange extension having a third adhesive member disposed thereon.

REMARKS

This Amendment is responsive to the Office Action dated July 26, 2002. In that Action, the Examiner rejected claims 11-20 under 35 U.S.C. §251 as an improper recapture of broadened claimed subject matter allegedly surrendered in the application. Claims 11-20 were objected to under 37 C.F.R. §1.173(d). The specification was objected to under 37 C.F.R. §1.75(d)(1). Claims 11-20 were rejected under 35 U.S.C. §102(b) as being anticipated by Craig. Claims 1-10 were allowed. Applicant respectfully traverses the Examiner's rejections and objections and offers the foregoing amendments and remarks in support thereof.

Claims 11 and 18 have been amended. No new matter has been inserted. In compliance with 37 C.F.R. §1.173(c), Applicant respectfully states the claims 1-20 remain pending in the application.

The claims and specification have been amended to overcome the Examiner's objection. Support for the additions to the paragraph are found in Figures 1 and 2 which shows the extensions of the pad extending from the forehead, that they are formed

monolithically and that they include adhesive. Col 2, lines 45-46 also provides support.

Applicant respectfully disagrees with the Examiner's recapture rejection. Upon initial examination on the merits for Applicant's '929 Application which matured into Applicant's '171 Patent, the Examiner indicated allowable subject matter of original claim 4 which depended from claim 1. Rather than inserting the original language of claim 1 into claim 4, the Applicant inserted the original language of claim 4 into claim 1. However, the effect of this procedure results in the same claim language (i.e. the subject matter of original claim 4 written in independent form). Furthermore, since this subject matter was indicated to be allowable upon the first office action on the merits, this amendment was not made to avoid a prior art reference. Thus, the now alleged broadened limitation was not originally made to avoid the prior art.

Applicant also respectfully submits that the recent teachings by the Federal Circuit in In re Doyle also apply to show that the language of claims 11-20 is proper. 293 F.3d 1355, 63 USPQ2d 1161 (Fed Cir. 2002). Doyle holds that broader generic claims may be presented in a reissue application even though they may have encompass non-elected inventions from the original application. Here the subject matter of claims 11 and 18 are considered linking claims which would cover the elected embodiment and non-elected embodiments from the original claims in Applicant's '929 Application. Neither claim 11 or 18 is identical nor substantially similar to the original non-elected claims. The Federal Circuit in Doyle held that these types of claims are redressable by reissue.

Accordingly, in view of the above, Applicant respectfully traverses the Examiner's rejection of claims 11-20 under 35 U.S.C. S251 and ask that such rejection be withdrawn.

As to the Section 102(b) rejection in view of Craig, Craig is an eye shield and fails to teach of attaching the shield to a substantial portion of the user's forehead including the area adjacent to where the user's forehead meets the user's hairline.

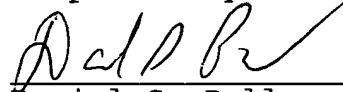
Support for this feature is found in the drawing figures and at Col 2., lines 44-46. Accordingly, Applicant respectfully requests that the Examiner's Section 102(b) rejection be withdrawn.

Applicant has completely responded to the Office Action dated July 26, 2002.

In order to facilitate prosecution of this application, the Examiner is respectfully requested to contact the undersigned with any comments or suggestions the Examiner may have.

If there are any additional charges, including extension of time, please bill our Deposit Account No. 13-1130.

Respectfully submitted,



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